

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**October 26, 2015**

Grant Sawyer Building  
555 East Washington  
Room 4412  
Las Vegas, Nevada

And

Legislature  
401 South Carson Street  
Room 2135  
Carson City, Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Kathleen Conaboy  
Robert McCord  
Adam Johnson  
Melissa Mackedon  
Elissa Wahl  
Marc Abelman  
Nora Luna

**In Carson City:**

None

**BOARD MEMBERS ABSENT**

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Director, State Public Charter School Authority  
Joan Jurgensen, Education Program Professional, State Public Charter School Authority  
Nya Berry, Education Programs Professional, State Public Charter School Authority  
Traci House, Business Process Analyst, State Public Charter School Authority

**In Carson City:**

Jessica Hoban, Administrative Services Officer, State Public Charter School Authority

Angela Blair, Education Program Professional, State Public Charter School Authority  
Kathy Robson, Education Program Professional, State Public Charter School Authority  
Katie Higday, Management Analyst, State Public Charter School Authority  
Danny Peltier, Administrative Assistant, State Public Charter School Authority

**LEGAL STAFF PRESENT:**

**In Carson City:**

Greg Ott, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Attendance Sheet Attached

**In Carson City:**

Attendance Sheet Attached

**CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA**

President Conaboy called the meeting to order at 9:05am with attendance as reflected above.

Member McCord asked for a motion for a flexible agenda. Chair Conaboy agreed and called for a motion for a flexible agenda. Member Abelman motioned for flexible agenda, Member McCord seconded. There was no further discussion. The motion carried unanimously.

**Agenda Item 1 – Public Comment**

Students from Doral Charter School along with Bridgett Phillips spoke in support of Doral Academy of Northern Nevada.

Ben Gerhardt spoke about Nevada Virtual Academy's graduation rate publication. Mr. Gerhardt thanked the members of the SPCSA staff including Traci House and Joan Jurgensen, with their assistance with infinite Campus. He said the graduation rate of 68.2 percent was incorrect. The rate as stated by Mr. Gerhardt was around 61 or 62 percent.

Joanna Perry, Silver State Charter School teacher, spoke in support of Silver State Charter School. Ms. Perry said she was a parent of a student at Silver State and he had excelled in their classroom setting. Ms. Perry spoke about the at-risk students that SSCS teaches and how the setting at SSCS helps those students overcome challenges academically.

Catherine Cook, former teacher at SSCS, spoke about the Reduction In Force the school had undertaken during the previous month. She said it came to a surprise to her that she would be let go and hoped the SPCSA would increase its monitoring of SSCS during the remainder of the year and during the renewal process.

David Trujillo, former SSCS teacher, also spoke about the reduction in force. His comments can be found at the end of the minutes.

Kit Kotler, SSCS Executive Director, spoke in support of SSCS and some of the changes the school had made. She said the school had recently moved to a close campus in order to cut down on the loitering students were doing at businesses near the school. She said the school has also updated some of its student software that better allows them to track the progress of the students. They also partnered with Western Nevada College's Jumpstart program that would allow SSCS students to graduate SSCS and achieve an associate's degree at the same time. She said the school was also addressing the financial issues that had been identified in the forensic audit and hoped the school would regain good standing ratings with the SPCSA.

Noah Stevens, Coral Academy of Science Las Vegas, spoke in support of the expansion amendment that was to be heard during the meeting today. He said he hoped the school's request would be approved to allow more students to take advantage of Coral Academy's wonderful academic program.

Monica Vanderheiden, Coral Academy of Science, also spoke in support of the expansion amendment and said the commute from northwest Las Vegas to the current campus puts an unneeded burden on parents and staff.

**Agenda Item 2 – Approval of the September 28, 2015 SPCSA Board Meeting Minutes**

Chair Conaboy asked Member Wahl to oversee this item because she chaired the majority of the September meeting. The minutes were tabled until the following meeting in order to make changes and include public comment attachments.

### **Agenda Item 3 – Authority Update**

Chair Conaboy asked Member Johnson and Member McCord to discuss their time at the NACSA conference. Member Johnson said it was enlightening to see the national ideas and said he felt the conference helped him to better understand the work that needs to be done in Nevada. Member McCord said he was struck by NACSA's tone during the conference. He said there was much more of a regulatory tone that wasn't in existence years ago. He said while he agrees that charter schools need to have oversight, he worries that it may stifle some of the creativity at the school site. Member McCord also found the discussion regarding the CREDO report very enlightening. He also found the session regarding Distance Education to be beneficial because he too felt that more research needs to be done on the efficacy of these online programs.

### **Agenda Item 4 – Director's Report**

Director Gavin spoke about his takeaways from the NACSA conference and echoed the sentiments of Member McCord and Member Johnson. Director Gavin also said a receiver had been identified for Quest Academy. He said the organization was called 10 Square Group and they have substantial experience in this area nationwide and the group had been introduced to Ms. Roberson.

Chair Conaboy asked if there was any additional information on the distribution of the CSP grant. Director Gavin said staff had been working closely with the Governor's office and NDE but since they were the primary recipients of the money, the SPCSA would wait and follow their lead. Chair Conaboy asked Director Gavin to keep the board apprised of the decisions made by the Governor's office and NDE.

### **Agenda Item 5 – Assignment of School Liaisons**

Chair Conaboy said in the past the board had hoped to assign board members to be liaisons to the charter schools it sponsors. She said she hoped these relationships would foster better relationships and better communication with the schools. She clarified that the liaisons would not affect the day-to-day operations of the school or its relationships with SPCSA staff. She also clarified that the liaisons would not interfere with the operational functions of the school or act as a go-between with the charter school and SPCSA staff.

Member Abelman said he was in support of the idea and hoped it would allow for the SPCSA board members to be out at the school sites more often. Member Macedon cautioned that board members needed to be aware of any potential conflicts of interest from the relationships that would be formed between the school and its liaison. Director Gavin said he worried that assigning schools to particular board members may be interpreted as certain schools being part of a board member's constituency. Chair Conaboy said she hoped the liaisons would reach out the school's governing board so they may better know who are actually governing the schools in Nevada. Member McCord asked that this item be revisited in the spring to assess the success of the school visits and make adjustments as necessary.

**Member McCord moved for approval of the assignment of school liaisons and assessment of the project in the spring of 2016. Member Abelman seconded. There was no further discussion. The vote carried unanimously.**

**Agenda Item 6 - Report on the progress of the comprehensive review of the SPCSA executive director position**

Member Abelman led the discussion since he had been appointed the chair of the Evaluation Subcommittee. He thanked Member McCord for facilitating the meeting with WestEd. He detailed how the process would work and said the WestEd recommendations would be placed on the December 4 SPCSA board meeting.

**Agenda Item 8 - Charter School Administrators Report**

J-Lynn Van Pelt spoke on behalf of the charter school administrators report. She said the charter schools had decided to meet monthly to discuss various issues they face as operators in the state. Her testimony follows:

“It was our pleasure to help organize and co-chair the first Director’s Meeting and discussion this month. The idea for regular director meetings came during the September Director’s Meeting with Patrick Gavin. At the meeting with Patrick, it was agreed that the Directors would again meet in October and discuss suggestions for two pending issues: The SPCSA’s desire to implement the ACT ASPIRE test for Charter School students, and the idea of each school taking over the responsibilities for Infinite Campus.

We recognized early on that no one solution would work for all schools as we have such different needs and approaches. The differences in Charter schools sponsored by the SPCSA are numerous and celebrated. Some schools have thousands of students, some under 200, the needs of online schools differ greatly from brick and mortar schools, concerns differ for schools with EMO support vs. small, independent schools, etc. So, we worked as different entities to come to a consensus recognizing that any proposed solutions would need to be multi-faceted.

It is with this common goal and mutual respect for each school’s varying needs that the group came to the following suggestions on the above mentioned topics:

As a group, we do not support implementing the ACT ASPIRE testing this year. Major concerns include: increasing the amount of time spent on testing in the year, which reduces the amount of time available to teach and having the necessary time to train staff to administer another assessment with fidelity.

Additionally, we agree in consensus that we continue to be concerned that these measures will not capture the mission specific aspects of our school and we encourage the SPCSA to consider how mission specific goals for each school will be measured going forward. There was also concern because the ACT ASPIRE test as it was presented for implementation is a summative assessment that could only show proficiency, the same as the SBAC testing. The need for growth data would not be met by implementing the ACT assessment. Instead of the ASPIRE, the Directors would like to look at how the SBAC interim measures could be used in combination with the summative SBAC testing to show growth within and between academic years for the SPCSA schools.

Most schools represented at our discussion are in favor of having autonomy with infinite campus. School leaders feel that they will be more effective and timely in managing student information if they have control over their own system. School leaders are concerned about the potential fiscal implications of managing our own systems and securing appropriate professional development to successfully run the system locally. No one was ready to make the move without a better understanding of what part of IC would be funded by the SPCSA and by the schools.

The group also came up with discussion topics for future Director Meetings to include:

- Different and innovative funding options

- Talk about the new legislation that affects schools like the dyslexia bill and bullying and NEPF— how will affect Charter Schools
- Read by 3 requirements so all on same page, what nuances are working and where are we going, share out plans
- Weighted budget formula that is coming
- NIAA and high school sports

The charter school Directors hope that these regular meetings can help develop ongoing dialogue with the SPCSA Board. The Directors of the Charter Schools would like to provide feedback on current topics and ideas up for discussion at SPCSA Board meetings so that the Board is presented with direct perspectives of the schools. The directors would like to request that topics soon to be on the SPCSA Board agendas be shared with the group so that we can discuss ideas and options and present our collective perspectives.

The group also set a monthly meeting for Directors which will be the 2<sup>nd</sup> Friday of each month with the next meeting on November 13<sup>th</sup>. Directors from different schools will chair each month's meetings and Steve from NV Connections Academy has volunteered to chair the November meeting. We look forward to continuing this new forum for dialogue and sharing amongst the SPCSA sponsored charter school Directors.”

Chair Conaboy asked if the tensions between the need to contract with ACT Aspire to measure schools due to the star freeze and the schools disagreement of that choice were being addressed. Director Gavin said while he was sensitive to schools and their wish not to over test, the SPCSA needs something to measure the schools so the terms of the charter contracts were met. Chair Conaboy asked that the dialogue continue with both SPCSA staff and the heads of the charter schools to try and work out the differences of opinions that still exist.

**Agenda Item 9 - Update on Silver State Charter School Forensic Audit report and staff recommendation for action regarding possible additional oversight, further investigation, or other actions deemed necessary by the board as authorized by statute or charter contract**

Director Gavin read from the audit memo he provided to the board. Based on the information provided in the attached documents, staff recommends that the board make the following resolution regarding Silver State Charter School:

- 1) The audit has revealed a pattern of fiscal mismanagement by current and past staff and members of this charter school's governing body and the school has failed to comply with generally accepted standards of fiscal management (NRS 386.535(1)(a)(2)).
- 2) The audit has revealed that the school has invested public funds in a high risk financial instrument, namely a derivatives contract, with Bank of America. This is a violation of NAC 387.565, which mandates that all school funds be appropriately insured. While Bank of America is an FDIC member, derivatives contracts are not insured by the FDIC or any other insurer approved by the State of Nevada. Consequently, the school failed to comply with the provisions of [NRS 386.490](#) to [386.649](#), inclusive, and other statutes or regulations applicable to charter school ((NRS 386.535(1)(a)(3)).
- 3) Because the school has engaged in activities which are grounds for revocation of the written charter pursuant to NRS 386.535, I move that SPCSA staff issue a Notice of Closure to Silver State Charter School.

- 4) Pursuant to NRS 386.535, the school has at least 30 days within which to take corrective actions. The first day of this “cure period” is October 27, 2015. The date by which the school must have completed all efforts to cure these deficiencies is November 27, 2015.

Staff are directed to schedule a public hearing at the December 4, 2015 SPCSA Board meeting during which the Board will determine whether the charter school has corrected the deficiencies identified in this resolution and the forensic audit and whether to revoke the charter for Silver State Charter School. Such revocation, if approved by the SPCSA Board, would be effective at the end of the 2015-16 academic year.

Member Johnson asked what needed to be done for the school to be allowed to remain operational. Director Gavin said the audit that was provided by Deloitte was clear in its findings and the majority of the work that SSCS needs to do is contained in that report. Member Mackedon asked Deputy Attorney Ott what the legal requirements of the SPCSA were with regard to allowing SSCS to remedy the issues found in the forensic audit. Mr. Ott said the SPCSA was not required to allow the school time to fix the problems, but it did have statutory authority to permit the school to fix the problems in a 30 to 90 day window.

Member McCord then called for a five minute recess to allow for Director Gavin and Mr. Ott to discuss the statutes governing the matter.

Representatives from SSCS then spoke on behalf of the school. Ryan Russel, attorney; Edie Grub, governing board president; and Kelli Grahaman, CFO addressed the questions from the Authority. Ms. Grub asked the Authority for an extension to address the findings in the audit due to the limited time they had to go over the findings report. Ms. Grahaman said the school had software issues had caused errors in the financial management of the school and if they had been able to receive IT assistance the problems found in the audit would have never occurred.

**Member McCord moved for approval of staff recommendations as amended with the statutory citation of NAC 387.765. Member Abelman seconded. There was no further discussion. The motion carried unanimously.**

### **Agenda Item 10 - Coral Academy of Science Las Vegas Amendment request pursuant to NAC 386.325**

#### **Background:**

Coral Academy has submitted a request to amend its charter to acquire and occupy an additional campus in Centennial Hills.

#### **Analysis:**

The expansion request is incomplete. Several key items mandated by NAC 386.3265 were not included, including the required project plan and timelines (i.e. Gantt chart) and explanatory narrative sufficient to gauge the school’s ability to execute on this project and obtain all necessary approvals prior to opening. Without this information, it is impossible to evaluate the school’s capacity to develop the Nellis and Centennial Hills properties simultaneously. The omission of this required information is particularly unfortunate given the complexities and risk factors associated with a high-profile project like the Nellis campus and challenges which have recently been identified in obtaining final Air Force approval for that expansion.

Additionally, the school provided insufficient information to permit a determination of the school’s capacity to more effectively implement other statutory requirements, including the requirement in NRS

386.580(1) that the school “shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.” In recent months, the SPCSA Board has placed a renewed emphasis on this requirement for those schools which do not have a mission-specific enrollment preference to serve a particular at-risk population—an exemption permitted by NRS 386.580(2)(d) and has emphasized that schools must do significantly more grassroots marketing and direct contact with families in an effort to ensure that schools meet both this statutory requirement and a broader state and federal expectation that schools without a mission-specific enrollment preference also reflect the economic, linguistic, and ability diversity of the surrounding community.

Coral does not have a mission-specific at-risk preference the school as a whole, yet the school’s existing campuses in Henderson do not reflect the racial, economic, linguistic, or ability diversity of the surrounding community—most notably with regard to the percentage of Hispanic students attending the school and the percentages of low-income, special education, and ELL students at Coral (see attached). While the recently approved Nellis campus is eligible for the recently enacted military-connected child enrollment preference and will likely be significantly more representative of its environs due to the greater diversity and social cohesion of the US military community, the proposed Centennial Hills campus will not benefit from the inherent recruitment advantages for a military base campus with a military-connected child enrollment preference. Despite the gap between Coral’s demographics and those of the surrounding community, the school states that “[r]ecruitment at Centennial Hills will mirror the procedures we have in place at our existing campuses and will include many events such as Math Matters, Open Houses, Family Nights, Festivals, STEM Expo, and other events that the central office incorporates.” While these are, no doubt, high quality events which engage many constituencies in the community, the gap between Coral’s population and that of the surrounding community clearly demonstrates that these efforts are insufficient to increase the diversity of Coral’s student body. Additional grassroots marketing aimed at some of Nevada’s fastest growing and most high-needs students is essential.

Recommendation:

Based on a review of the expansion request, staff recommends that the Board deny the request at this time. Staff deeply appreciates the school’s willingness to be an early and eager participant in the expansion amendment request process. Coral has an exemplary academic track record and we fully expect that the school will be able to address the issues raised in this recommendation and expand in the future. Staff notes that it is aware that Coral has recently begun conversations with a consultant who is experienced in school expansion strategic and business planning and it supports the school’s desire to increase its capacity and effectiveness in this area. The school is strongly encouraged to consider both staff and SPCSA Board concerns, modify its plans appropriately, and resubmit a complete and well-developed expansion request during an upcoming expansion amendment window.

Ercan Aydogdu, Executive Director of Coral Academy, spoke on behalf of the school. Mr. Aydogdu explained the plans for the school’s expansion and detailed the advertising, community outreach and lottery process that would be implemented upon the opening of the new campus. He also spoke about the demographic makeup of the school and how it reflects the similar makeup of the comparable district schools.

Member McCord said he was concerned about the school’s capacity to expand at the rate it is requesting. He said the school was doing everything right, but he did not want the school’s quality of education to be degraded by over-expanding in the area. He asked if Mr. Aydogdu felt they had the capacity to take on these new challenges. Mr. Aydogdu said he felt the school had the capacity and would not jeopardize the

quality of the education during the expansion period. He said they have increased staff to meet the new work and that the school had a good strategy in place to meet the student needs at all of their sites.

Hasan Deniz, board chair for Coral Academy, also spoke about the board's capacity to handle the growth of the school. He said the board had spent a lot of time strategizing and critically thinking about the challenges this expansion would pose. He said he was confident the school, along with the staff, administration and board were ready to handle the new campuses. Member Wahl echoed Member McCord comments and added she was concerned about the special needs population at the Nellis base campus would put strain on the school's operation. She also added the campus that was being proposed at the base would require a lot of work to bring the building up to date.

Member Mackedon said she respectfully disagreed with the notion the school was underprepared. She said as a school operator, sometimes it is better to open all the proposed campuses at the same time so you can share professional development among the campuses starting operations. Candy Farthing, academic director for Coral Academy, also spoke in favor of the expansion. She said she had shared the concerns the board had expressed, but was assured by the work that had been done that the school would be able to successfully expand to the new campuses. Mr. Aydogdu added that he had been an administrator at a charter school at an air force base in Tucson Arizona. He said he was intimately aware of the challenges the school would face and was prepared to handle the special needs population.

Director Gavin said staff would be amenable to accepting additional documents that would clarify some of the questions raised during the initial expansion application if the school would be willing to send the documents in. Coral Academy said it would be more than willing to send additional documents if that was what staff was requesting. Then upon the receipt of the additional documents, the item would be heard again at the December 4 SCSA board meeting. Member Mackedon asked if it would be appropriate to make a motion to allow for tentative approval for the SPCSA board with the requirement that SPCSA staff would review the additional documents and give final approval for the expansion request. She said she hoped this would save time for both staff and the charter school, since the Authority was in support of the expansion. Chair Conaboy asked for a five minute recess to discuss the NAC governing the expansion amendment approval timelines.

Mr. Ott said the Authority would be allowed to approve the request with conditions that additional documents would be submitted to staff.

**Member McCord moved for approval of Coral Academy's expansion request with the condition that the school would submit additional documents to SPCSA staff for final review before commencing operation. Member Mackedon seconded. There was further discussion.**

Member Johnson asked why the application for expansion was incomplete. Mr. Aydogdu said the limited timeline for the new application made it difficult to meet the deadline. Due to the new requirements for expansion, it made the process more complicated than it had been in the past. Mt. Aydogdu said he was in support of the more robust application, but it was definitely more difficult than past expansion amendment requests.

**Member McCord moved for approval of Coral Academy's expansion request with the condition that the school would submit additional documents to SPCSA staff for final review before commencing operation. Member Mackedon seconded. The motion carried unanimously.**

**Agenda Item 11 - Quest Academy Governance waiver request**

Before the hearing began, Member Abelman recused himself from the discussion due to his history with Quest Academy. Director Gavin then read from the recommendation report.

Regulatory and Policy Overview:

NAC 386.345 was one of a number of regulations impacting charter schools which were substantially revised in a public process which began in early 2014 and was completed with the Legislative Commission's approval of R035-14A in December 2014. The general public, including staff and board members of charter schools, had the opportunity to participate in that public process and the State Public Charter School Authority has discussed these NAC changes in public meetings, posted links to the revised regulations on its website, and circulated links to the published version of the regulations in the Nevada Register via email and social media. While the Authority has no legal obligation and very limited capacity to notify charter schools of regulatory changes, it has made significant effort to do so.

A number of these regulatory changes codified into regulation past practices of the Nevada Department of Education and the State Public Charter School Authority, both of which have historically required charter school applicants to commit in writing to a variety of good governance practices. The revised NAC 386.345(2)(b) provides that a governing body of a charter school may not include (1) A person who is related by blood or marriage to an employee of the governing body or charter school or (2) A person who is related by blood or marriage to another member of the governing body, unless the governing body of the school petitions the Authority for a waiver of this prohibition and that waiver is approved by the SPCSA. Pursuant to NAC 386.345(3), the Authority may waive the prohibition for "good cause shown and may make its approval contingent upon the governing body agreeing to additional oversight or conditions." The rationale for permitting such waivers was emphasized by former State Superintendent Erquiaga in his consideration of these regulations at a public hearing in November 2014, when he noted that he himself was from a rural county where "everyone is related to each other." Consistent with that reasoning, the Authority has limited its granting of such waivers to rural communities.

Background:

On multiple occasions, SPCSA staff and members of the Authority board have brought both the charter application's nepotism requirements and the regulations prohibiting nepotism to the attention of the school leader and members of the governing body of Quest Academy. As revealed in the Quest forensic audit findings the SPCSA Board reviewed on September 28, 2015, there were multiple incidents of nepotism identified. On September 30, 2015, the governing body of Quest Academy requested that the SPCSA board waive the nepotism prohibition set forth in NAC 386.345, identifying three board member—out of eight total—who would require such a waiver as they have family members who are employed by the school. Subsequent to that request, the Authority received correspondence from one of the three parties indicating that he resigned his position on the Board effective October 13, 2015 and stating that would not rejoin the board unless such a waiver were granted. The three individuals for whom the Board has requested this waiver are:

- Jack Fleeman – spouse of Christina Fleeman, teacher
- Lucas Leavitt - spouse of Quest Special Education Aide, Jennifer Leavitt
- Timothy Zeidler– spouse of Quest Special Education Aide, Linda Zeidler

The school contends that the inclusion of these individuals is essential to comply with the provisions of NRS 386.549, which sets forth expertise which the legislature has determined is essential to the effective governance of a charter school. Mr. Leavitt and Mr. Zeidler meet the board membership requirement of NRS 386.549(1)(a) and (b) as they are licensed educators. If he were to rejoin the board, Mr. Fleeman would meet the board membership requirement of NRS 386.549(1)(d) as he has experience as an

attorney. Based on a review of the Quest board roster submitted via Epicenter on July 21, 2015, it appears that the school is correct in its assertion that the school would be out of compliance with the board membership provisions of NRS 386.549 if those individuals were not permitted to serve on the board.

In its request, the school notes that it has advertised for board members in the local newspaper and did not receive any applicants. It also contends that there is significant competition for board members and cites this as justification for appointing individuals with known familial relationships to staff and is now retroactively seeking approval.

Recommendation and Analysis:

While SPCSA staff sympathizes with the challenges faced by individual board members and staff, we recommend that the waivers be denied for all three individuals. It is important to note that staff's recommendation to deny this waiver request is not based on any evaluation of the competence, intentions, or ethics of the three individuals for whom these waivers were requested. Based on the evidence we have received to date, it appears that their commendable willingness to serve on the governing body of Quest is grounded in a sincere desire to support their children's school and help it to improve. In no way should this recommendation be taken as an opinion that these individuals would not be exemplary members of another charter school governing body.

Instead, this recommendation is grounded in both critical public policy concerns and the context and history of this particular school. Competition and a lack of applicants from a one-time recruitment effort do not constitute a compelling justification to grant any of these waiver requests, let alone three separate waivers for one school. Ongoing board development and the recruitment, selection, and retention of high quality board members is a core responsibility of any self-selecting governing body. The passive and reactive strategies of the governing body of Quest do not constitute best practice in governance and they represent a systemic organizational deficiency. Clark County is by far the most populous county in the state and is home to the nation's fifth largest school district. Approving a waiver request for a Clark County school based on the rationale of competition and lack of applicants to an advertisement would set a precedent by which the SPCSA Board could permit every governing body in the state—including all of our schools in Clark and Washoe—to appoint one or multiple board members related to staff. This would effectively nullify the nepotism prohibition and undermine the integrity and public trust of the charter school movement. Moreover, even if the SPCSA Board were to elect to grant nepotism waivers in Clark or Washoe Counties, Quest's extensive history of organizational and governance issues—including very recent and ongoing patterns of nepotism, noncompliance and mismanagement, strongly argues against permitting any waiver for this school at this time.

Deb Roberson, director of Quest Academy, spoke on behalf of the school. Ms. Roberson said the proposed board members would not be able to make it to the meeting today due to scheduling conflicts. Ms. Roberson introduced Dempsey Jones III. He read from three letters of the members of Quest Academy Board. Lucas Levitt said he was unable to make the board meeting in person, but wanted to express his views to the Authority. He said his wife works at Quest Academy as a special education assistant and had abstained from any motion that directly impacted his wife's employment. He asked that he be allowed to continue as a board member for Quest Academy. The next letter was from Tom Zeigler, who also was unable to make the SPCSA board meeting. He said that he hoped the SPCSA would allow him to continue to serve on the governing board due to the amount of issues that still need to be resolved at the school. He said he had led the board in its transition to a more transparent board that serves the students, parents and staff of Quest Academy. He also said he had abstained from any decisions that affected his wife during hearings of the Quest Academy board. The final letter was from Jack Fleeman

who said he would refrain from any self-dealing and abstain from any decisions that may affect his wife's employment at the school. Mr. Dempsey then added that he was in full support of retaining these preceding board members. He said Director Gavin had referenced the nepotism issues at the school had gone on for eighteen months and wondered why the SPCSA was now enforcing something they had been unwilling, or unable to, enforce in the past. Mr. Dempsey said he had been a board member for eight months and had raised nepotism issues when he first served. He asked why the nepotism problem had not been addressed months ago. Chair Conaboy said she was unsure where a problem had occurred, but assured Mr. Dempsey that staff had taken proper actions vetting the board., Director Gavin added the school had been given ample notice of the nepotism problem in the past, but the past governing board member and super intendent did not relay that information to the school staff and other governing board members.

Terry Barber, director of human resources of Quest Academy, said the school confirmed they had errors and omissions insurance that was requested by Member McCord at the previous meetings. She said the school currently has a claim open with their insurance company regarding past decisions of past board members. She also added that Sharon McCombs from PERS Nevada had been in contact with the school regarding the missed PERS payments for staff at Quest Academy. She said that PERS had confirmed they would be caught up with their PERS payments by December 2015. Ms. Barber said that the proposed board members being heard were instrumental in helping the school work through the problems that had been identified in the forensic audit.

Ms. Roberson said the current board had done a great job helping Quest overcome the problems that had been addressed. She asked the Authority to allow for time to find new board members if the Authority decided to deny Quest Academy's nepotism request. Director Gavin said the school would not need the approval for a time extension to find new members because upon the contracting with the receiver, the school's governing board would be abolished. He said the school had fulfilled its first quarter board meeting, and would not be expected to meet until after the receiver finished its work. Member McCord asked if the scope of the receiver's work would include establishing a new board. Director Gavin said subsequent to January 1, receiver could issue an RFP to appoint a new board. Director Gavin said the scope of the receiver would be two fold, oversee closure procedures if the charter were to be revoked, or oversee the transition of the school's leadership if the school were to keep their charter at the end of the 2015-2016 school year. Chair Conaboy asked Director Gavin to restate the recommendation appointing the receiver that was approved at the previous Authority meeting. Chair Conaboy read from the minutes which confirmed the receiver would be the acting representative of the board. Chair Conaboy continued reading from the minutes which said Ms. Roberson had raised the question concerning whether the board would be dissolved, but Director Gavin would only commit to the receiver ensuring Quest Academy finished the academic year. Chair Conaboy asked if the nepotism approval was even necessary for the agenda today since the school's governing board would be dissolved. Director Gavin felt it was necessary because the Quest Board was planning on meeting the day following the Authority meeting. Chair Conaboy asked if Director Gavin had any discussions with the school regarding the dissolution of the board. Director Gavin said he had not.

Ms. Roberson said she didn't understand how the school's governing board would be dissolved if the school was working toward fixing the problems identified in the forensic audit.

Deputy Attorney General Ott restated the only item agendized for the meeting was the nepotism waiver. No decisions that were made at the previous Authority meeting or future decisions regarding the status of the school's charter would be voted on at this meeting. He said while he understood the topics being discussed were relevant to the nepotism hearing, he wanted to clarify that the only item up for a vote was

the agenda item nepotism waiver. Member Mackedon asked if there should be a vote since the receiver would dissolve the Quest board. Mr. Ott said there should be a vote since this was an item placed on the Authority's agenda. Member Luna asked if the school would not have a quorum if the Authority voted to deny the Quest nepotism request. Director Gavin confirmed there would not be a quorum. Chair Conaboy asked Mr., Ott to advise the Authority on how to proceed if no motion was made. Mr. Ott said the Authority had been asked to take action on the agenda item. If no motion were to be made, then by default the board would choose not to take action, thus meaning there would be no waiver approval and the request would be denied.

**Member Wahl motioned to deny the Quest Academy nepotism waiver. Member Luna seconded. There was no further discussion. The motion carried unanimously. Member Abelman abstained.**

### **Agenda Item 12 - Consideration regarding the Application Review Team's recommendation of Doral Academy of Northern Nevada's charter school application**

Director Gavin read from the recommendation report. Doral Academy of North Nevada is dedicated to creating an enhanced and engaging educational experience. Doral will provide an academically challenging learning environment with a strong emphasis on arts integration teaching strategies which will increase literacy, cognitive, and social development. Teachers, parents, students, and staff will establish and achieve individual student goals to build a foundation for all Doral Academy students to be college and career ready. This report is structured around three sections: Academic, Fiscal, and Organizational. Each section contains an overview of key findings based on a totality of the evidence and concludes with the Authority's determination on each of the three guiding questions.

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, primary consideration must be given to the academic track record of the model.

Staff reviewed Doral academic performance data provided by the applicant and verified it via spot checks of publicly available information. No inconsistencies were found. Staff also supplemented the supplied data with a review of other publicly available data. The findings are below:

- Under Florida's school grading system, four of the five Doral Academy schools in Florida were rated at the A level in 2012-13 and 2013-14. The other school, a high school, was rated at a B in both years. It is important to note that 2014-15 data is not yet available. Moreover, the state passed a law in 2014 modifying its school rating system in light of other changes to the accountability system so future scores may not be directly comparable with past scoring.
- Under the Nevada School Performance Framework, the Doral Academy in Clark County is currently rated as a 5 star elementary school and a 4 star middle school. It is important to note that due to the "pause year," this data is actually from the 2013-14 academic year.
- The school was ranked as Adequate on the 2013-14 SPCSA Academic Performance Framework.
- Due to the 2015 Nevada statewide testing irregularity, there will be no growth data with which to calculate either an NSPF Star rating or an SPCSA Academic Performance Framework rating based on statewide testing data until no earlier than the fall of 2018.

**Conclusion:** The proposed academic model has a strong track record of academic performance in both Florida and Nevada. While high achieving, the Nevada implementation was providing a level of academic results which was on par with, but did not exceed those of its sending schools in 2013-14.

Essential Question: Will the academic program be a success?

**Yes.** The academic program outlined in the application is consistent with the core elements of the successful Florida and Nevada implementations. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively articulate an academic program which can be successful with northern Nevada students. The applicant and the model have demonstrated capacity for continued academic growth and a clear focus on continuous improvement. To that end, staff has identified areas of improvement which should be addressed by the applicant to the satisfaction of staff following board approval and prior to the issuance of the charter contract.

Should the board approve the application based on the totality of evidence related to all three domains, staff proposes to work with the applicant to address the areas for improvement prior to the formal issuance of a charter contract by the Director based on this approval.

The proposed organizational model has a strong track record of organizational performance in Nevada and has been effectively adapted to meet the needs of the Nevada context while continuing to deliver strong academic results.

As noted above, the applicant has selected a model with a strong track record of organizational success. The applicant has a strong understanding of what it takes to oversee an effective and accountable organization and has articulated systems to oversee the implementation of the model. In response to feedback and areas of concern, the applicant has amply demonstrated a growth mindset and a capacity and desire for continuous improvement.

Essential Question: Will the school be an effective and accountable organization?

**Yes.** The organizational program outlined in the application is consistent with the core elements of the other successful implementations. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively articulate an organizational plan which can be successful with northern Nevada students. The applicant group has embraced feedback and committed to additional charter school board development training following charter approval to supplement their existing expertise.

The applicant budget is designed primarily as a performance task to evaluate the applicant's ability to design a budget which accurately reflects the Nevada context, contains reasonable expense assumptions which are correctly calculated, and incorporates the personnel and operating costs specific to the academic model. While many of these assumptions and priorities will serve as the basis for the operating budget adopted by the governing body, is not intended to contractually bind the applicant to a specific set of revenues or expenditures.

The applicant provided financial data, including audited financial statements, for other schools implementing the academic program and for other schools which receive financial management services from Academica Nevada, the applicant's chosen education management organization. Staff also supplemented the supplied data with a review of previously produced financial frameworks for the southern Nevada Doral implementation and other Nevada charter schools which partner with Academica Nevada.

The 2013-14 independent audit report for Doral Academy of Nevada (the Las Vegas charter holder) shows that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective

changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses. Multiple years of similarly strong audit results were furnished for Pinecrest Academy of Nevada and Somerset Academy of Nevada, two other Nevada charter holders which contract with Academica Nevada for financial management services. As the Florida-based Doral Academy model receives services from a separate, Academica-affiliated financial management company which is legally and operationally separate from the Nevada finance office, the review of audit results from those schools was not emphasized, though review of publicly available data indicates similarly strong financial performance compounded with a significantly longer operating history and a different state financial support system for schools. Due to the differences between Nevada and Florida's school funding systems and school finance laws and regulations, the results may not be directly comparable.

Conclusion: The proposed financial model has a strong track record of academic performance in both Florida and Nevada and has been effectively adapted to meet the needs of the Nevada context while continuing to deliver strong academic results.

Essential Question: Will the school be fiscally viable.

**Yes.** The budget and operating plan outlined in the application is consistent with the core elements of the successful Doral Las Vegas implementation and other Academica Nevada clients. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively demonstrated a strong business plan which will result in a financially viable school.

Director Gavin said one of the applicant's husband on the committee to form, Mr. Salcido, provided Director Gavin legal consultation, but it did not have any effect on the applicants recommendation.

Member Mackedon disclosed her friendship with Megan Salcido, but it would have no impact on the recommendation hearing.

Pat Hickey, Megan Salcido, Danielle Cherry, Steve Porter spoke on behalf of the school. Bridgett Phillips, principal of Doral Academy in Las Vegas, also spoke in support of the proposed charter school. Chair Conaboy asked if Bridget Phillips would serve as executive director of both Dorals in the north and the south. She said they would collaborate with the northern school as they started their operations, but she would not oversee the operations of Doral Academy of Northern Nevada. Chair Conaboy asked about the outreach to community arts groups and how that compared to the extensive outreach that had been done in Las Vegas. Mr. Porter said the group had reached out to the local organizations but had yet to receive a final commitment.

Member Wahl asked if there was a principal lined up for Doral Academy Northern Nevada. Ms. Phillips said there would be an applicant process after the charter had been approved.

Member McCord moved for approval of Doral Academy Northern Nevada's charter school application. Member Abelman seconded. Discussion continued.

Member Wahl asked how the staffing would work at the campus site. Mr. Reeves, Academica Nevada, said the staffing would be similar to how Somerset Academy was staffed during its initial opening. He said Academica would have an office in northern Nevada to facilitate the needs of the charter school. Chair Conaboy asked how the relationship with Doral Academy and ythe Turner Agassi Foundation would work with regard to the leasing of the school. Mr. Reeves said the school would have an

opportunity to purchase the school after the third year in order to allow them to build a credit rating up to ensure they received good financial rates.

**Member McCord moved for approval of Doral Academy Northern Nevada's charter school application. Member Abelman seconded. Discussion continued. The motion carried unanimously.**

Chair Conaboy advised Mr. Reeves and Academica to form, to put forth better work into the application in the future. She said she was disappointed with some of the copy and pasting and typos that the application contained.

**Agenda Item 13 - Consideration regarding the Application Review Team's recommendation of Legacy Traditional School Henderson's charter school application**

Director Gavin read from the recommendation. Legacy Traditional School – Henderson's mission is provide motivated students with the opportunity to achieve academic excellence in an accelerated, back-to-basics, safe learning environment taught by caring, knowledgeable and highly effective educators in cooperation with supportive, involved parents.

Staff reviewed Legacy academic performance data provided by the applicant and verified it via spot checks of publicly available information. No inconsistencies were found. Staff also supplemented the supplied data with a review of other publicly available data. The findings are below:

- Under the Arizona State Board for Charter School's (ASBCS) academic performance framework, all of the Legacy Traditional campuses meet or exceed academic standards, with many showing significant academic growth even as the state has transitioned to a new assessment which is closely, albeit not fully, aligned to the Common Core. The operator also reports that embargoed test data from the 2015 administration continues this trend.
- Based on data provided by the applicant which was spot checked for accuracy, both affluent and high-poverty Legacy schools in Arizona outperform their host districts.
- Reference checks with Deanna Rowe, until recently the Executive Director of the ASBCS and with Katie Poulos, until recently the Deputy Director at ASBCS and current leader of New Mexico's statewide charter office, confirm that the Legacy schools are considered academically high performing and that they are among the top performing charter schools statewide for all demographics.

Conclusion: The proposed academic model has a strong and consistent track record of academic performance in Arizona.

Essential Question: Will the academic program be a success?

**Yes.** The academic program outlined in the application is consistent with the core elements of the successful Arizona implementations. The application, capacity, interview, site visit, and follow-up discussion with members of the applicant team effectively articulate an academic program which can be successful with Clark County students. The applicant and the model have demonstrated capacity for continued academic growth and a clear focus on continuous improvement. To that end, staff has identified areas of improvement which should be addressed by the applicant to the satisfaction of staff following board approval and prior to the issuance of the charter contract.

Should the board approve the application based on the totality of evidence related to all three domains, staff proposes to work with the applicant to address the areas for improvement prior to the formal issuance of a charter contract by the Director based on this approval.

Based on a review of the Arizona State Board for Charter Schools Operational Performance Framework, all of the Legacy Traditional Schools in Arizona met the authorizer's operational performance standards in 2015. Consultation with the authorizer revealed no historic issues.

Conclusion: The proposed organizational model has a strong track record of organizational performance in Arizona.

Essential Question: Will the school be an effective and accountable organization?

**Yes.** The organizational program outlined in the application is consistent with the core elements of the successful Arizona implementations. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively articulate an organizational plan which can be successful in Nevada. The applicant group has embraced feedback and committed to additional charter school board development training following charter approval to supplement their existing expertise.

The applicant budget is designed primarily as a performance task to evaluate the applicant's ability to design a budget which accurately reflects the Nevada context, contains reasonable expense assumptions which are correctly calculated, and incorporates the personnel and operating costs specific to the academic model. While many of these assumptions and priorities will serve as the basis for the operating budget adopted by the governing body, is not intended to contractually bind the applicant to a specific set of revenues or expenditures.

The applicant provided financial data, including audited financial statements, for other schools implementing the academic program. Staff also supplemented the supplied data with a review of the financial frameworks for each Legacy school produced annually by the Arizona State Board for Charter Schools.

The most recent independent audit report for each of the Legacy campuses shows that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses. It is important to note that some earlier audits identified areas of weakness in financial controls but those issues were identified and addressed in the management letter. There is no evidence that those weaknesses have recurred.

In Arizona, most charter school applicants are 501c3 entities, though the law does allow for other kinds of eligible entities, including for-profit companies. They are not created as political subdivisions, as is the case in Nevada. Consequently, Arizona charter schools are permitted to operate at a loss for several years, much like a startup non-profit or for-profit corporation. Outstanding liabilities, such as deferred management fees, often remain on the books as accounts payable instead of the other accounting treatments frequently utilized in Nevada. This difference in accounting expectations makes direct comparison of the financial performance of Legacy's Arizona schools to Nevada schools more challenging. Based on a review of the ASBCS financial frameworks, while Legacy schools that are still in their startup phase typically do not meet the expectations of the framework, their financial performance consistently improves after several years of operation. Based on information received from the Arizona State Board for Charter Schools, this type of financial picture is not uncommon in Arizona and the Legacy schools perform as well or better than most Arizona charter schools on their framework.

Conclusion: The proposed financial model has an improving track record of financial performance in Arizona while continuing to deliver strong academic results.

Essential Question: Will the school be fiscally viable?

Yes. The changes to the fiscal plan described in the capacity interview which will permit the school to defer or postpone payment of management fees will ensure the school operates sustainably in a manner consistent with Nevada law both during its initial startup and throughout the duration of the charter term.

Chair Conaboy then asked members of Legacy to speak. Daniel Stewart, chair of the committee to form, spoke about the process his group had undergone to be able to submit this application before the Authority today. Jennifer Kearney, Amanda Pratt and Tiffany Thomas also spoke on behalf of the school. Mr. Stewart mentioned that Melissa Woodbury also served on the CTF but was unable to attend the meeting due to a conflict at work. Chair Conaboy asked the members of the CTF to explain the relationship between the board and the school's EMO. Mr. Stewart said the board would have the final say and would oversee the EMO and would be directed by the EMO. He said there may have been confusion in the application because Arizona's charter school laws are a little different. Member Wahl said that while she loved the idea behind the school she was concerned that the board was not as actively engaged in the application process and had let the EMO take the lead. Member Wahl said she was pleased to see the board at this meeting speaking on behalf of their proposed school. Discussion continued between Member Wahl and members of the CTF.

Member Johnson asked the CTF how the school would ensure service to all students and accurately reflect the community which it will operate. He said he hoped the school would reach out to all parents in Henderson to limit the exclusiveness of one group of parents over another. Mr. Stewart said the school had been actively looking into community outreach programs to ensure equal access to the charter school for all members of the community. The CTF said it had met with city council members in Henderson to help better identify where the school would have the most impact. Member Mackedon said she had the opportunity to visit Legacy campuses in Arizona and was impressed with the operations they were running.

Chair Conaboy asked what community groups had been contacted by the CTF. Mr. Stewart said they had spoken with the planning commission, the Henderson City Council, the home builders association, the chamber of commerce and numerous non-profits in, and around Henderson.

Chair Conaboy asked about the model the school would be implementing. Ms. Thomas said the school would not offer high school because their experience in Arizona had showed a severe drop off of student enrollment from 8<sup>th</sup> to 9<sup>th</sup> grade.

**Member Mackedon moved for approval of Legacy Henderson Charter School with staff recommendations. Member McCord seconded. There was no further discussion. The motion carried unanimously.**

**Agenda Item 14 - Review of the regulation making process including workshop and regulation responsibilities as well as the differences between laws, policies and regulations, and the possible delegation of some of the regulation making responsibilities to SPCSA Staff; review of regulatory authority given to the SPCSA and other entities in SB509 as well as whether that authority is discretionary or mandatory. Possible actions include authorization for staff to conduct some portions of the regulatory process**

Deputy Attorney General Ott spoke about the regulation workshops the Authority would be able to have after the passage of Senate Bill 509. Mr. Ott detailed the process a committee undergoes during the regulatory process. Pursuant to NRS 233B.050(1)(a), every agency must adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency. The agency must review its rules of practice at least once every three years and file with the Secretary of State a statement setting forth the date on which the review was completed and describing any revisions made to the rules as a result of the review. NRS 233B.050(1)(d). Rules of practice must be available for public inspection. NRS 233B.050(1)(b).

A form used by the agency need not be adopted by regulation or described explicitly in the regulation. Including a general description of the form in the regulation, such as “on a form provided by the agency” is sufficient. If adopted in this manner, the form may then be changed by the agency without complying with the rulemaking requirements of NRS chapter 233B. If an agency elects to adopt a form as part of a regulation, it must be amended by regulation but may not be included as part of the Nevada Administrative Code. NRS 233B.062(1)(b).

Every agency is required to adopt regulations which provide for the filing and disposition of petitions for declaratory orders and advisory opinions as to the applicability of any statutory provision, agency regulation, or decision of the agency. NRS 233B.120. In addition, every agency must provide by regulation for the form and procedure for submission by which interested persons may request the adoption, amendment, or repeal of regulations. NRS 233B.100(1). Upon submission of such a petition, the agency has 30 days within which to deny the petition or initiate rulemaking proceedings.

Administrative procedures for declaratory rulings should facilitate, not complicate, the process of obtaining such relief as such rulings have the beneficial effect of preventing confusion and misunderstanding regarding an agency’s position in a particular matter. The procedures may be as simple as writing a letter to the head of the agency or as formal as conducting an evidentiary hearing followed by the filing of briefs by the parties, depending on the circumstances or wishes of the parties.

In general, the following steps must be completed when adopting regulations: Discuss the content or purpose of the proposed regulation with the board, commission, or agency head with rulemaking authority. Draft the language or determine what regulation changes are needed. Consider the impact of the regulation on small businesses and, if necessary, consult with small business owners and prepare a small business impact statement. If the agency determines that there will be a direct and significant economic burden, it must conduct an analysis of the likely impact. Draft a small business impact statement. Conduct at least one workshop with interested persons to discuss the general topics addressed in the regulation.

This workshop must be conducted according to the requirements of the Open Meeting Law and, at the same time that the agency provides notice of this workshop to the public, an electronic copy of both the notice and agenda for this workshop must be submitted to the Legislative Counsel Bureau. The workshop agenda must also be posted on the State’s official website.<sup>9 4</sup> In the case of a permanent regulation, send the draft regulation language or summary of regulation changes that are needed to the Legislative Counsel for drafting the proposed regulation.

After receiving the proposed regulation drafted by Legislative Counsel, set a hearing for public comment, draft a notice of the hearing, and post it along with the text of the proposed regulation for thirty (30) days. The public hearing must be conducted according to the requirements of the Open Meeting Law and, at the same time that the agency provides notice of this public hearing to the public, an electronic copy of both the notice and agenda for the public hearing must be submitted to the Legislative Counsel Bureau.

The public hearing agenda must also be posted on the State's official website. Conduct the public hearing, evaluate and consider written and oral public comment on the proposed regulation and, in the case of permanent regulations, any revisions of form and style made by the Legislative Counsel. Discuss the comments made with the board, commission, or agency head, if necessary. Amend the draft regulation to reflect any changes resulting from public comment. Draft an informational statement describing the regulation and rulemaking proceeding. Prepare a statement regarding the methods used in determining the impact to small businesses and the reasons for the agency's conclusions. Prepare the Form for Filing of Administrative Regulations, file the form and informational statement together with the final regulation with the Legislative Counsel. In the case of permanent regulations, after approval by the Legislative Commission or Subcommittee to Review Regulations, the Legislative Counsel will file the regulation with the Secretary of State. File a copy of the regulation bearing the seal of the Secretary of State with the State Library and Archives Administrator.

There are three types of regulations, each with different procedural requirements. Permanent regulations are adopted using all the procedural formalities required by NRS chapter 233B. Temporary regulations are adopted in lieu of permanent regulations. Emergency regulations may, under emergency circumstances, be drafted without holding public hearings or observing other procedural formalities. Only permanent regulations become part of the Nevada Administrative Code. A permanent regulation is "a regulation which is not an emergency regulation or a temporary regulation." NRS 233B.036. Emergency and temporary regulations are exceptions to the general rules governing the adoption of permanent regulations. Since most emergency and temporary regulations become permanent regulations, anyone involved in the rulemaking process should be familiar with these rules.

Temporary Regulations if the agency wishes to adopt a regulation, or amend or suspend<sup>12</sup> a permanent regulation between August 1 of an even numbered year and July 1 of the succeeding odd-numbered year, it must adopt a temporary regulation. A regulation proposed during this time period may be adopted without first submitting it to the Legislative Counsel for review pursuant to NRS 233B.063(3) and 233B.064.<sup>13</sup> Such a regulation expires by limitation on November 1st of the odd-numbered year (NRS 233B.063(3)). The term also includes any other regulation which is effective for 120 days or less and is not an emergency regulation.

An agency wishing to adopt a temporary regulation must still have a workshop and a public hearing, but is not required to submit the temporary regulation to Legislative Counsel for review and drafting. Except with respect to a temporary regulation that has been reviewed early by the Legislative Commission or Subcommittee to Review Regulations, an agency may not file a temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted. A temporary regulation becomes effective when the final version and a copy of the informational statement required by NRS 233B.066 is filed with the Secretary of State. *Id.* A copy of the final version and informational statement must also be filed with the Legislative Counsel. *Id.*

Immediately after filing the temporary regulation with the Secretary of State, an agency must deliver a copy of the final version that bears the Secretary of State's stamp to the State Library and Archives Administrator for the public's use, as well as any material incorporated by reference that has not been filed previously.

If an agency wishes to turn a temporary regulation into a permanent regulation, it should anticipate its expiration date and submit a permanent regulation to the Legislative Counsel in time enough to permit its review.<sup>14</sup> With one exception, an agency adopting a permanent regulation to coincide with the expiration

of a temporary regulation must notice and conduct a second workshop and public hearing. Emergency regulations may be adopted and become effective immediately upon their filing with the Secretary of State. They are effective for a period of not longer than 120 days.

Although the term “emergency” is not defined in NRS chapter 233B, the Legislature has defined the term in Nevada’s Open Meeting Law, NRS chapter 241, for purposes of waiving the 3-day notice requirement for meetings of public bodies as “an unforeseen circumstance which requires immediate action and includes, but is not limited to . . . [d]isasters caused by fire, flood, earthquake or other natural causes or . . . [a]ny impairment of the health and safety of the public.” An emergency regulation may be adopted only under the following circumstances:

1. The agency must submit to the Governor a written statement of the emergency and the reasons for that determination;
2. The Governor must endorse the statement of the emergency at the end of the full text of the statement on the original copy of the proposed regulation; and
3. A copy of the regulation which includes the statement of emergency endorsed by the Governor, together with the informational statement required by NRS 233B.06616 and the Form for Filing Administrative Regulations, must be filed with the Secretary of State and the Legislative Counsel. The statement of emergency must be included in the emergency regulation for all purposes.

Before filing the emergency regulation with the Office of the Secretary of State, if feasible, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation will be filed in the Office of the Secretary of State, make the emergency regulation available to the public by (a) providing a copy of the emergency regulation to a member of the public upon request and (b) posting a copy of the emergency regulation on the agency’s website, if any.

Before conducting a hearing to consider the emergency regulation, if possible, the agency shall, not later than 9 a.m. on the first working day prior to the hearing, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by (a) providing a copy of the emergency regulation to a member of the public upon request and (b) posting a copy of the emergency regulation on the agency’s website, if any. A regulation may be adopted by this emergency procedure only once. If an agency adopts a temporary or permanent regulation which becomes effective and is substantively identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

After Mr. Ott detailed the regulatory process discussion between the Authority and him continued. Chair Conaboy said it would behoove the Authority to include stakeholders throughout the entire process to ensure the proposed regulation would be heard by the legislative committee. Mr. Ott detailed the legislative mandate that was included in SB 509 regarding the Authority’s regulatory responsibilities. He also detailed the timelines that would need to be met to ensure a regulation was approved prior to the next legislative session. Chair Conaboy stressed that the process for approving regulations should be started as soon as possible due to the different timelines that had to be met. She said she had discussed taking previous agenda items and using those as a starting point for regulations with Director Gavin and Mr. Ott. Member Wahl asked how the Authority would prioritize the regulations it wanted to work on first. Chair Conaboy said it would be best for staff to work with NDE to identify where regulations needed to be formed and prioritize based on that.

**Member McCord moved for approval of authorization for staff and or SPCSA Board members to conduct some portions of the regulatory process. Member Luna seconded. There was no further discussion. The motion carried unanimously.**

**Agenda Item 7 - Discussion and possible action for reappointment of the Executive Director**

Chair Conaboy said the item was to ensure the SPCSA was meeting statutory requirements for the definition of the Executive Director's term. chair Conaboy said there was confusion when Director Gavin took over for former Director Canavero and the terms of his position.

**Member Wahl moved for approval of Executive Director Gavin's three year term to extend from October 1, 2014 to September 30, 2017. Member Abelman seconded. Member Wahl added that she was still very pleased the SPCSA had decided to choose Director Gavin for the position. There was no further discussion. The motion carried unanimously.**

**Agenda Item 15 – Next SPCSA Board meeting**

The next board meeting for the SPCSA will be December 4, 2015 at the Department of Education in Las Vegas and Carson City.

**Agenda Item 16 – Public Comment**

John Hawk, Chief Operating Officer NSHS, spoke in support of the Authority's meeting. He commented on his concern that the Authority not stifle innovation and creativity at the charter school level. While he said the Authority was currently not stifling the creativity, he wanted the board members to keep that in mind as they set forth in future policy and regulatory discussions. He also discussed the expansion policy and spoke in support of the document and the requirements it included. He said schools should sit down like small businesses to really think about the decisions they would be making and to plan accordingly. Dr. Hawk said he had been accepted into the replication cohort and thanked Director Gavin for pointing him towards that. He said due to this commitment, he would be unable to make the December 4 hearing of their expansion of NSHS, but he would work with SPCSA staff to ensure all requirements were met prior to the hearing.

Karmen Rizzo, spoke about teacher employment in the state of Nevada.

Catherine Cook and David Trujillo submitted comments to the Authority which can be found as an attachment to these minutes.

**Member McCord moved for adjournment. Member Abelman seconded. There was no further discussion. The motion carried unanimously.**

The meeting adjourned at 3:59pm